

REMARKS

In the Office Action, the Examiner noted that Claims 1-20 are pending in the application, and Claims 1-20 have been rejected.

The Applicants further respectfully point out that the Examiner essentially repeated earlier arguments and has not responded to Applicants argument, but rather has simply chosen to state that "Applicant remarks have been considered but have not been deemed to be persuasive since they are more specific than what is claimed or the broadest reasonable interpretation of the prior art". The Applicants submit that in each of their earlier responses they have specifically pointed out to the Examiner the claim language, which is not anticipated by the prior art cited by the Examiner. The Applicants further submit that they are perplexed as to what part of their argument is more specific than what is claimed or the broadest reasonable interpretation of the prior art. In addition, with respect to the §103 rejections, except in one instance, apparently the Examiner is refusing to state what the suggestion or incentive is to combine the references nor if such knowledge is in his own personal knowledge is he willing to submit an affidavit to such effect.

With all due respect, it appears that the Examiner is attempting to shift his burden of making a prima facie rejection onto the Applicants. In effect, forcing the Applicants to disprove that the prior art provides a suggestion or incentive to combine – **THIS IS NOT THE APPLICANTS' BURDEN OF PROOF**.

The Applicants request that the Examiner withdraw this apparently misguided Final Rejection. For purposes of brevity, the Applicants incorporate by reference the arguments in their previous responses. The Applicants, however, feel compelled to point out the following:

CLAIM REJECTIONS

Claims 11 and 12 stand rejected under 35 USC §103 as being unpatentable over Zell ('050) in view of Katz ('490). The Examiner now states or quotes that Katz in Col. 10 states "(24) The new method provides a number of advantages. In particular, it provides a relatively inexpensive and very reliable method for detecting the onset of turbulence in a fluid medium caused by a body moving in the medium."

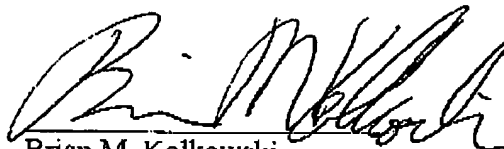
The Applicants respectfully submit that they are not sure whether the Examiner is submitting this newly cited line from Katz as a suggestion or incentive to combine the prior art. They further point out that the Examiner apparently is missing one of the primary advantages of the present invention, which is to provide a flow effector to reattach flow or to create side forces and thus the need for a sensor positioned to detect flow separation or side forces encountered at high angles of attack. The turbulent flow described in Katz is experienced at low angles of attack thus requiring a different type of sensor, and therefore teaching away from the present invention.

CONCLUSION

For all the above reasons the Applicants respectfully submit that the application is in condition for allowance and that action is earnestly solicited.

Respectfully submitted,

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Dated



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